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IN THE

Supreme Court of the United States

October Term, [redacted] 1963

No. [redacted] 39

THE NEW YORK TIMES COMPANY,

Petitioner,

v.

L. B. SULLIVAN,

Respondent.

No. [redacted] 40

ABERNATHY, *et al.*,

Petitioners,

v.

L. B. SULLIVAN,

Respondent.

On Writ of Certiorari to the Supreme Court of Alabama

MOTION FOR LEAVE TO FILE A BRIEF FOR THE AMERICAN CIVIL LIBERTIES UNION AS *AMICUS CURIAE*

EDWARD S. GREENBAUM
HARRIET F. PILPEL
285 Madison Avenue
New York 17, New York
Attorneys for Amicus

MELVIN L. WULF
Of Counsel

IN THE

Supreme Court of the United States

October Term, 1962

No. 606

THE NEW YORK TIMES COMPANY,

Petitioner,

v.

L. B. SULLIVAN,

Respondent.

No. 609

ABERNATHY, *et al.*,

Petitioners,

v.

L. B. SULLIVAN,

Respondent.

On Writ of Certiorari to the Supreme Court of Alabama

MOTION FOR LEAVE TO FILE A BRIEF FOR THE AMERICAN CIVIL LIBERTIES UNION AS *AMICUS CURIAE*

The American Civil Liberties Union respectfully moves for leave to file a brief as *amicus curiae* in support of the Petitioners in these two cases. The attorneys for Petitioners in both cases have consented to the filing. The attorneys for Respondent in both cases have refused to consent. Both the consents and the refusals have been filed with the Clerk of the Court.

The American Civil Liberties Union is a national non-political organization devoted solely to defending the civil liberties granted by the Constitutions of the United States and of the several states. A fundamental objective of the Union is and has been to prevent impairment of the freedoms of speech and of the press protected by the First Amendment. The Union has for many years endeavored to help clarify and define those freedoms through various activities, including participation as *amicus curiae* in relevant litigation. The Union believes that its brief in these cases may be of assistance to the Court in exploring the extent to which states through their common law rulings can heavily burden, and in effect prohibit the exercise of rights guaranteed by the First Amendment, including the right to criticize the conduct of public affairs. The Union believes its brief will cover ground not covered in Petitioners' brief.

The Union respectfully moves that it be granted leave to file a brief *amicus curiae* in support of the Petitioners in these two cases.

Respectfully submitted,

EDWARD S. GREENBAUM
HARRIET F. PILPEL
285 Madison Avenue
New York 17, New York
Attorneys for Amicus

MELVIN L. WULF
Of Counsel